

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY

JULIE A. SU, Acting Secretary of Labor, United States :
Department of Labor,¹

Plaintiff,

v.

ERNIE’S AUTO DETAILING INC. and ERNESTO :
DECENA a/k/a BUENAVENTURA E. DECENA, :
individually, :

Defendants. :

No. 2:20-CV-17785 (KM) (ESK)

Returnable: June 5, 2023

NOTICE OF APPLICATION FOR DEFAULT JUDGMENT

PLEASE TAKE NOTICE that pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, Plaintiff Julie A. Su, Acting Secretary of Labor, United States Department of Labor (the “Secretary”), will apply to the United States District Court for the District of New Jersey, at the United States Post Office and Courthouse Building, 2 Federal Square, Newark, NJ 07101, on June 5, 2023, or as soon thereafter as counsel and/or the parties may be heard, for default judgment against Defendants Ernie’s Auto Detailing, Inc. and Ernesto Decena a/k/a Buenaventura Decena (collectively, “Defendants”).

As set forth in the memorandum of law in support of the application for default judgment and Declaration of Aristoteles Rodriguez and accompanying exhibits, default judgment is appropriate. The Clerk of the Court has entered default against Defendants. *See* Text Entry dated Dec. 30, 2022. Accordingly, the Secretary respectfully requests that this Court grant the Secretary’s application for default judgment and enter the attached proposed judgment: (1) finding that Defendants willfully violated the overtime and recordkeeping requirements of the Fair Labor

¹ Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Acting Secretary of Labor Julie A. Su is automatically substituted as Plaintiff.

Standards Act of 1938, as amended 29 U.S.C. § 201, *et seq.* (the “FLSA”); (2) ordering that Defendants are jointly and severally liable to the Secretary in the amount of \$8,277,810 in back wages and an equal amount of \$8,277,810 in liquidated damages, for a total of \$16,555,620, plus post-judgment interest; and (c) enjoining Defendants and their officers, agents, servants, employees, attorneys, and other persons who are in active concert or participation with them from violating the provisions of the FLSA in the future.

PLEASE TAKE FURTHER NOTICE that in accordance with Local Civil Rule 7.1(d), any opposition papers will be served on or before May 22, 2023 and any reply papers on or before May 30, 2023.

Dated: May 11, 2023
New York, New York

SEEMA NANDA
Solicitor of Labor

JEFFREY S. ROGOFF
Regional Solicitor

/s/ Amy Tai
AMY TAI
Senior Trial Attorney

/s/ Audrey-Marie H. Winn
AUDREY-MARIE H. WINN
Trial Attorney

U.S. Department of Labor
201 Varick Street, Room 983
New York, NY 10014
(646) 264-3653/ 3626
(646) 264-3660 (fax)
Tai.amy@dol.gov
winn.audreymarie.h@dol.gov
NY-SOL-ECF@dol.gov

*Attorneys for the Acting Secretary of Labor,
Julie A. Su*